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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,151

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Michel Boucard

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YOUNG & THOMPSON

209 Madison Street

Suite 500

ALEXANDRIA, VA 22314

EXAMINER

MCCALL, ERIC SCOTT

ART UNIT

PAPER NUMBER

2855

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,151	Applicant(s) BOUCARD ET AL.	
	Examiner Eric S. McCall	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PREHEATER PLUG COMPRISING A PRESSURE SENSOR
AND ENGINE FITTED THEREWITH

FINAL OFFICE ACTION

In response to the Applicant's amendment dated Jan. 31, 2008.

SPECIFICATION

In response to the Applicant's amendment, the objection to the specification as set forth in the previous office action (Nov. 28, 2007) has been overcome.

CLAIMS

Objections

In response to the Applicant's amendment, all objections to the claims as set forth in the previous office action (Nov. 28, 2007) are moot.

Double Patenting

In response to the Applicant's amendment, the rejection of claims 11-19 under 35 U.S.C. 101 as set forth in the previous office action (Nov. 28, 2007) is moot.

Election by Original Presentation

The Applicant has cancelled the previously examined claims 11-19 and added claims 20-38. However, newly submitted claims 20-22 are directed to an invention that is independent or distinct from the invention originally claimed and examined.

Claims 20-22 are directed only to the structure of a glow plug body without the requirement for a pressure sensor. Previously examined claims 11-19 were directed to the combination of a glow plug and pressure sensor. Newly added claims 23-38 are also directed to the combination of a glow plug and pressure sensor.

The present application has been classified and examined in class 73 (Measuring and Testing) because of the inclusion of a pressure sensor in the claimed combination.

Claims 20-22, without the inclusion of the pressure sensor but just the structure of the glow plug body, are not proper to be classified and examined in class 73.

Since the Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, claims 20-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 23-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Siemens et al. (PCT/EP2004/012026) which was disclosed by the Applicant in related patent application 10/577,150.

With respect to independent claims 23 and 31, Siemens et al. (which is of a different inventive entity than that of the present application) set forth a glow plug, comprising:

a substantially circular cylindrical tubular body (10) with an inner lateral wall of a first end i) forming a cavity and ii) having a longitudinal groove;

a pressure sensor (90) mounted in said tubular body, configured to measure the internal pressure of a cylinder of an engine in which the glow plug is accommodated; and

connecting tabs (72a & 76a) attached to the pressure sensor and extending substantially longitudinally with respect to an axis running along a length of the tubular body, wherein at least one of the connecting tabs fit in the longitudinal groove.

With respect to claims 24 and 32, Siemens et al. set forth a depth of the longitudinal groove extends from the inner lateral wall of the first end and pierces through an outer wall of the first end to define a longitudinal slot in the tubular body (see Fig. 3).

With respect to claims 25, 26, 33, and 34, Siemens et al. set forth that the body (10) has adjacent to the pressure sensor (90) an outer cylindrical surface with a hexagonal cross-section defining six facets (110), and the longitudinal slot opens entirely in one of the six facets (Fig. 3).

With respect to claims 27, 28, 35, and 36, Siemens et al. set forth that the pressure sensor (90) is a piezoelectric sensor comprising a piezoelectric member (74) arranged between two contact members (72 & 76).

With respect to claims 29, 30, 37, and 38, Siemens et al. set forth that each connecting tab (72a & 76a) and respective contact member (72 & 76) are formed as a single part, and each connecting tab extends as a bent form from the respective contact member (see Fig. 3).

CONCLUSION

The Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric S. McCall/
Primary Examiner
Art Unit 2855